

**Department of Community Planning and Economic Development
Zoning Code Text Amendment**

Date: April 22, 2013

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: August 17, 2012

Specific Site: Citywide

Ward: Citywide **Neighborhood Organization:** Citywide

CPED Staff and Phone: Aly Pennucci, (612) 673-5342

Intent of the Ordinance: To define exhibition or temporary markets and allow this use as a temporary use with specific development standards.

Appropriate Section(s) of the Zoning Code: Chapter 520: Introductory Provisions; Chapter 525: Administration and Enforcement; Chapter 535: Zoning Code: Regulations of General Applicability; Chapter 536: Specific Development Standards; Chapter 543: On-Premise signs.

The following chapters were also introduced: Chapter 537 relating to Accessory Uses and Structures; Chapter 541 relating to Off-Street Parking and Loading; Chapter 546 relating to Residence Districts; Chapter 547 relating to Office Residence Districts; Chapter 548 relating to Commercial Districts; Chapter 549 relating to Downtown Districts; Chapter 550 relating to Industrial Districts; and Chapter 551 relating to Overlay Districts. However, staff is not recommending changes to these chapters as part of this amendment and therefore recommends returning them to the author.

Background: An ordinance was introduced by Council Member Schiff to the City Council on August 17, 2012, to allow exhibition or temporary markets (flea markets) as a permitted outdoor use. Exhibition or temporary markets are not currently listed in the zoning code and are prohibited in all zoning districts as an outdoor use due to the enclosed building requirement. Per section 535.40 (a) of the Minneapolis Zoning Code, all production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in this zoning ordinance. The enclosed building requirement is established to limit the activity that occurs outdoors that may impact surrounding properties.

The proposed amendment will allow exhibition or temporary markets to locate in the City of Minneapolis as a temporary use. In addition, the proposed amendment will streamline the approval process and reduce staff time required for temporary use permits in general.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the Amendment designed to solve?

**What public purpose will be served by the amendment?
What problems might the amendment create?**

Exhibition or temporary markets are not currently listed in the zoning code and are prohibited in all zoning districts as an outdoor use due to the enclosed building requirement. Per section 535.40 (a) of the Minneapolis Zoning Code, all production, processing, storage, sales, display or other business activity shall be conducted within a completely enclosed building, except as otherwise provided in this zoning ordinance. The enclosed building requirement is established to limit the activity that occurs outdoors that may impact surrounding properties. The reason for the amendment is to allow exhibition or temporary markets to operate in the City of Minneapolis as a temporary use with specific development standards.

As the demand for different goods and services changes, there is an opportunity to expand the types of retail opportunities available in the City of Minneapolis. By defining and regulation exhibition and temporary markets the City will further sustainability goals related to “reduce, reuse, recycle” practices. Temporary and exhibition markets provide a venue for recycled materials to be resold and helps divert goods from entering the waste stream. In addition, temporary and exhibition markets (flea markets) are seeing an upsurge as people look for ways to cut household spending and reduce their impact on the environment.

The proposed zoning code amendment is modeled after existing regulations for temporary farmers markets. Existing regulations for temporary farmers markets allow a market to operate up to 75 days per year. This is in place primarily to represent the growing season for fresh foods in Minnesota. The direction to staff for this amendment was to increase the number of days an exhibition or temporary market can operate up to 180 days to allow markets to operate in the summer months and during the holiday seasons in the winter. Like temporary farmers markets, as proposed, exhibition or temporary markets will be permitted in all zoning districts, but in residential zoning districts the use could only be established on public or institutional use sites (i.e. schools or churches).

This amendment is proposed concurrently with changes proposed to business licensing regulations for exhibition or temporary markets. In conjunction with the changes to licensing requirements, the changes proposed to Chapter 536, Specific Development Standards, are intended to address potential impacts on surrounding properties. CPED staff recommends that this use is regulated under the existing temporary use regulations within Chapter 535, Regulations of General Applicability, Article V, Temporary Uses. This section of the Minneapolis Zoning Code includes a provision that the zoning administrator can impose conditions on any proposed temporary use and require such guarantees as he or she deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

In addition to the proposed changes addressing exhibition or temporary markets, changes are proposed to Chapter 525, Administration and Enforcement, and to Chapter 535, to clarify the process for temporary uses in general. Staff proposes additional language in Chapter 535, Regulations of General Applicability, which will exempt temporary uses that also require a business license from the requirement to obtain a separate temporary use permit application, which will streamline the approval process. Zoning administration staff will review and impose any conditions deemed necessary on a proposed temporary use through the business license application process. The second change clarifies

that permitted outdoor temporary uses are exempt from the enclosed building requirement. This should help simplify the process for businesses and expedite the approval process.

The enclosed building requirement is established to limit the activity that occurs outdoors that may impact surrounding properties. The impacts of allowing temporary or exhibition markets as a temporary outdoor use may include items being left outside after hours or the site generally being left in unsightly conditions. The draft ordinance includes provisions to require that the premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon. In addition, as mentioned above, this amendment is proposed concurrently with changes proposed to business licensing regulations and all markets will require a business license. The business license requirements will include requirements for solid waste and recycling receptacles, hours of operation, trash removal, restrooms and some limitations on item offered for sale (i.e. sale of firearms will be prohibited). If an operator is found out of compliance with any applicable regulations, the license and zoning approvals could be revoked due to noncompliance.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

This amendment is part of the continual process of updating the zoning ordinance in order to improve our processes. Recently, the City has had requests for the establishment of new temporary or exhibition markets within Minneapolis.

Staff performed a code search and utilized information provided by CM Schiff's office, to obtain information on how other cities treat similar temporary markets. Staff found that in most cities the bulk of the regulations fall under business licensing regulations rather than zoning, similar to what is proposed here. In terms of locations, staff found a range of regulations, including regulations for a specific address where a central market is permitted, to limits on zoning districts to no regulations specifying location limitations. Some cities require approval for individual events rather than approval for individual locations. Most cities rely on the business licensing regulations to mitigate potential impacts, such as the resale of stolen goods.

If the proposed amendment is denied, temporary or exhibition markets will be prohibited in Minneapolis.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The following general land use policies of the *Minneapolis Plan for Sustainable Growth* apply:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital

mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

- 1.5.2 Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood.

Economic Development Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

- 4.1.5 Continue to streamline City development review, permitting and licensing to make it easier to develop property in the City of Minneapolis.

Environment Policy 6.10: Coordinate and operate waste management programs that focus on reducing, reusing and recycling solid waste prior to disposal.

- 6.10.5 Strongly emphasize and promote reduction, reuse and recycling, including the purchase of recycled materials in residential, business and industrial and government operations and building practices.

This amendment will promote business growth throughout the City, streamline approval processes and promote the reuse of materials. The proposed amendment is consistent with the above policies of the comprehensive plan.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the zoning code text amendment, amending chapters 530, 525, 535, 536 and 543. Staff further recommends that Chapters 537, 541, 546, 547, 548, 549, 550 and 551 be **returned** to the author.

Attachments:

Department of Community Planning and Economic Development

1. Ordinance amending Chapter 530: Introductory Provisions, to add a definition of temporary or exhibition markets.
2. Ordinance amending Chapter 525, Administration and Enforcement, to specify temporary use permits as a duty of the Zoning Administrator.
3. Ordinance amending Chapter 535, Regulations of General Applicable, to add temporary or exhibition markets as an enumerated temporary use.
4. Ordinance amending Chapter 536, Specific Development Standards, to add specific development standards for temporary or exhibition markets.
5. Ordinance amending Chapter 543, On-Premise signs, to add specific sign regulations for temporary or exhibition markets.